

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**UNIQUE SPORTS PRODUCTS,
INC.,
a Georgia corporation,**

Plaintiff,

v.

**WILSON SPORTING GOODS CO.,
a Delaware corporation,**

Defendant.

**CIVIL ACTION FILE
NO. 1:05-CV-1816-JEC**

**DEFENDANT’S MOTION TO COMPEL
DISCOVERY FROM PLAINTIFF REGARDING ALLEGED DAMAGES**

For the reasons set forth in the accompanying memorandum of law, which is incorporated as if fully restated herein, in accordance with LR 37.1, Defendant Wilson Sporting Goods Co. (“Wilson”) moves the Court either for an order directing Plaintiff Unique Sports Products, Inc. (“Unique”) to produce material Unique has withheld from production despite that materials’ responsiveness to mandatory initial disclosures and other discovery requests and to allow Wilson to depose a Unique corporate representative about any material produced or, pursuant to Fed. R. Civ. P. 37(c)(1), for an order directing that Unique may not use such

evidence at any trial, hearing, or motion before the Court. Wilson further requests the Court award it such further relief as the Court deems appropriate under the circumstances.

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), N.D. Ga., I hereby certify that this pleading has been prepared in compliance with LR 5.1(B), N.D. Ga., using Times New Roman 14 point type.

Respectfully submitted,

/s/ Erika C. Birg

Erika C. Birg

Georgia Bar No. 058140

Attorney for Defendant

Wilson Sporting Goods Co.

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CERTIFICATE OF SERVICE

This is to certify that on July 13, 2006, I electronically filed
DEFENDANT’S MOTION TO COMPEL DISCOVERY FROM PLAINTIFF
REGARDING ALLEGED DAMAGES with the Clerk of Court using the CM/ECF
system which will automatically send e-mail notification of such filing to the
following attorneys of record:

James J. Wolfson, Esq.
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This 13th day of July, 2006.

By: /s/ Erika C. Birg
Erika C. Birg
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